



UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 15 2003

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Tarolli, Sundheim, Covell & Tummino L.L.P.
526 Superior Avenue, Suite 1111
Cleveland, OH 44114

AUG 15 2003

OFFICE OF THE DIRECTOR
TC 3600

In re Application of :
Cornelius Peter : **DECISION ON PETITION**
Application No. 09/836,763 : **TO WITHDRAW THE**
Filed: April 17, 2001 : **HOLDING OF ABANDONMENT**
For: **BELT RETRACTOR**

This is in response to applicant's correspondence filed in the United States Patent and Trademark Office (USPTO), on March 11, 2003. This correspondence is being treated as a petition to withdraw the holding of abandonment. There is no fee for this petition.

The petition is **DISMISSED**.

A review of the file record reveals that a Notice of Allowance and Issue Fee Due and a Notice of Allowability were mailed to the applicant on August 27, 2002. Since no Issue Fee in response to the August 27, 2002 Office communication was filed, the application was held abandoned.

There is a strong presumption that Office communication properly addressed and delivered to the United States Postal Services, was in fact delivered to the addressee. An allegation that the Office communication was not received must be overcome by a showing that it was not received.

The showing required to establish non-receipt of an Office communication must include all of the following requirements:

- (1) A statement from the practitioner stating the Office communication was not received by the practitioner;
- (2) A statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and
- (3) A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The docket records indicated above must include a copy of the list of all responses in the practitioner's office with the due date of November 27, 2002. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received,"

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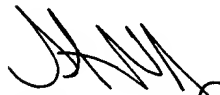
1156 O.G.53 (November 16, 1993). The petitioner has failed to comply with requirement (3) indicated above.

To satisfy requirement (3) above, a docket record showing all actions due by the firm of Tarolli, Sundheim, Covell & Tummino at and around the due date of November 27, 2002, needs to be supplied. Applicant has only provided a copy of the file wrapper contents and not a copy of a docket record as indicated above.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Correspondence with respect to a Petition to Withdraw the Holding of Abandonment under *Delgar Inc. v. Schuyler* should be mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Please contact me directly for inquiries specific to this decision.



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snm/dxn: 8/13/03